

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT MICHIGAN**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Action Case No. 1:13-CV-353-RJJ
)	
v.)	
)	
RYAN WOLTER,)	
)	
Defendant.)	
_____)	

JOINT STATUS REPORT

A Rule 16 Scheduling Conference is scheduled for October 9, 2013 at 3:30 pm, before the Hon. Robert J Jonker. Appearing for the parties as counsel will be:

Paul J. Nicoletti, Esq.
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Attorneys for Plaintiff

G. Thomas Williams, Esq.
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Tel: (616) 742-3500
Attorneys for Defendant

(1) JURISDICTION

The basis for the Court's jurisdiction is: 28 U.S.C. § 1331 (district courts having subject matter jurisdiction over matters dealing with a federal question) and 28 U.S.C. § 1338 (district courts having subject matter jurisdiction over matters dealing with patents, copyrights, and trademarks).

(2) JURY OR NON-JURY

This case is to be tried before a jury.

(3) JUDICIAL AVAILABILITY

The parties do not agree to have a United State Magistrate Judge conduct any and all further proceedings in the case, including trial, and to order the entry of final judgment. However, Plaintiff would consent to a magistrate for all non-dispositive issues and motions.

(4) STATEMENT OF THE CASE

Plaintiff's Statement: Plaintiff has sued Defendant for direct copyright infringement of 38 of Plaintiff's copyrighted movies, pursuant to 17 U.S.C. §§ 106 & 501, based on Defendant's actions of illegally downloading Plaintiff's works.

Defendant's Statement: Defendant has not downloaded Plaintiff's works, nor knowingly assisted anyone else in downloading Plaintiff's works, and therefore cannot have committed any of the acts alleged in the Complaint.

(5) JOINDER OF PARTIES AND AMENDMENT OF PLEADINGS

The parties expect to file all motions for joinder of parties to this action and to file all motions to amend the pleadings by **December 2, 2013**, with the caveat that pleadings can be amended as necessary to be consistent with facts uncovered through discovery.

(6) DISCLOSURES AND EXCHANGES

The parties propose the following schedule for disclosures and exchanges:

- (i) Fed.R.Civ.P. 26(a)(1) disclosures: **November 15, 2013**
- (ii) Fed.R.Civ.P. 26(a)(2) disclosures: **January 20, 2014**
- (iii) Fed.R.Civ.P. 26(a)(3) disclosures: **February 24, 2014**
- (iv) The parties are unable to agree on any voluntary production at this time.
- (v) Initial disclosure of potential lay witnesses: **November 15, 2013**

(7) DISCOVERY

The parties believe that all discovery proceedings can be completed by **August 15, 2014**. The parties believe that discovery can be conducted within the limits set forth in the Federal Rules of Civil Procedure.

(8) MOTIONS

The parties anticipate that all dispositive motions will be filed by **September 15, 2014**. The parties acknowledge that it is the policy of this Court to prohibit the consideration of nondispositive discovery motions unless accompanied by a certification that the moving party has made a reasonable and good faith effort to reach agreement with opposing counsel on the matters set forth in the motion.

(9) ALTERNATIVE DISPUTE RESOLUTION

The parties do not wish to participate in Alternative Dispute Resolution at this juncture. If the parties decide otherwise, they will contact the court for a list of approved mediators.

(10) LENGTH OF TRIAL

Counsel estimate the trial will last approximately four (4) days, total, allocated as follows: 1.5 days for plaintiff's case, 1.5 days for defendant's case, 1 day for other parties.

(11) PROSPECTS OF SETTLEMENT

The parties have engaged in settlement discussions but are presently unable to predict the likelihood of reaching a settlement.

(12) ELECTRONIC DOCUMENT FILING SYSTEM: Acknowledged and understood by the parties.

(13) OTHER: N/A.

DATED this 3rd day of October, 2013.

Respectfully submitted:

/s/ Paul J. Nicoletti

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